

**Central Administrative Tribunal  
Principal Bench**

**OA No.4382/2015**

New Delhi, this the 21<sup>st</sup> day of December, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. K.N. Shrivastava, Member (A)**

Shri B.L. Sharma, now retired, Aged, 62 years,  
S/o Late Bhiken Lal Sharma,  
R/o D-16, Mansarovar Park,  
Shadhara  
Delhi.

...Applicant

(By advocate : Shri Rajeev Sharma)

**Versus**

(Through Secretary)

1. The Lt. Governor of Delhi,  
Raj Niwas,  
Civil Lines,  
Delhi.
2. The Commissioner,  
East Delhi Municipal Corporation,  
1<sup>st</sup> Floor, 419, Udyog Sadan,  
Patparganj Industrial Area,  
Delhi-92.

...Respondents

(By Advocate : Ms. Ruchi Chauhan for Shri Umesh  
Joshi for EDMC)

**ORDER (ORAL)**

**Justice L. Narasimha Reddy, Chairman :-**

The applicant was employed in erstwhile Municipal Corporation of Delhi (for short, MCD). When he was

working as Assistant Engineer (Civil), he was issued a charge memo dated 27.10.2008 with certain allegations. The applicant submitted explanation, denying the allegation. Taking the same into account, the disciplinary authority passed order dated 21.11.2013, imposing the punishment of the reduction of pay by one stage, in the time scale, till the superannuation of the applicant. This decision was communicated to the applicant through order dated 22.11.2013. He retired from service on 31.12.2013, on attaining the age of superannuation. The applicant challenges the order of punishment.

2. He contends that the charge itself was trivial and the punishment is totally dis-proportionate. Another ground prayed by the applicant is that the punishment though would be in force for hardly one month, it would adversely affect his pensionary benefits.

3. The respondents filed counter affidavit opposing the OA. It is stated that the impugned order was passed strictly, in accordance with the law, and it does not warrant any interference.

4. We heard Shri Rajeev Sharma, learned counsel for applicant and Ms. Ruchi Chauhan for Shri Umesh Joshi, learned counsel for respondents.

5. The applicant was imposed the minor penalty of reduction of pay scale by one stage to be in force till he retires from service. The date of the order was 21.11.2013, and the date of retirement of the applicant is 31.12.2013.

6. The apprehension of the applicant is that the punishment of reduction of pay scale, which would continue till he retires, may affect his pensionary benefits. This apprehension is not well folded. The reason is that the punishment of reduction of pay scale was not with cumulative effect and once the applicant attains the age of superannuation, the pay which was reduced on account of the impugned order, gets restored to its original position.

7. In other words, the reduction of pay scale would be in force, as regards the pay of the applicant only for the month of December, 2018 and on his retirement, the pay

scale, as stood before the order of punishment, stands restored.

8. We, therefore, dispose of the OA, directing that the last pay of the application for the purpose of fixation of the pensionary and other retiral benefits, shall be treated as the one which stood before the order of punishment was passed.

9. There shall be no orders as to costs.

**(K.N. Shrivastava)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

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